IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5991 OF 2007

Mr.Murlidhar Laxman Sarate : Petitioner
(Orig.Defendant)

V/s.

Mr.Madhukar Mhaskuji Galande : Respondent
(Orig.Plaintiff)

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Mr.K.K.Waghmare for the petitioner.

Mrs.Lalita Panchakshari for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : AUGUST 24, 2007.

P.C.

1. Rule, returnable forthwith.

Mrs.Panchakshari waives service for the respondent.

Heard by consent.

2. There is no reason to interfere with the order of the trial Court rejecting the petitioner’s application for amendment of the Written Statement. The application for amendment was made when the evidence was almost over. Now it is not in dispute that it is already over. The trial Court has observed that there is no explanation coming

from the petitioner as to why the amendment which pertains to the reply to the notice which was already in existence much prior to the suit was not made earlier. The learned counsel for the petitioner admits that the actual reply to the notice in respect of which the amendment was sought to be incorporated is already on record. It, therefore, appears that no prejudice would be caused to the petitioner. There is no merit in the above petition which is rejected.

3. The rule stands discharged.

S.A. BOBDE, J.